

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KIMBRA CRISWELL :
Plaintiff, :
:
v. : C.A. No. 05-00321 GMS
LYDIA ADAIR MCFADDEN : JURY TRIAL DEMANDED
and :
CHRISTIANA CARE HEALTH :
SERVICES, INC., :
Defendants. :
:

PLAINTIFF'S VOIR DIRE

Plaintiff Kimbra Criswell, by and through her counsel, Nelson Levin, Esquire, hereby respectfully requests that this Honorable Court charge the jury as follows:

**I. EXPLANATION TO THE GENERAL ARRAY OF THE PURPOSE OF
VOIR DIRE EXAMINATION**

1. Ladies and Gentlemen, my name is Nelson Levin; I am an attorney; and I represent the Plaintiff Kimbra Criswell. Counsel for Defendant in this case and I will be asking you a series of questions. Our joint purpose in so asking these questions is to select a jury that will be fair to all sides. Our intent is not to purposely insult you by these questions or intentionally pry into your private affairs; we ask you these questions only to try to select a jury that will be fair and as open-minded to all the evidence as possible to all sides. As a result of the above questioning, some of you may be excused from sitting as a jury member. Being excused is no reflection on the quality, confidence or intelligence of any particular person, but is simply a means to obtain a cross section of people in the community.

II. QUESTIONS FOR THE GENERAL ARRAY

1. As I have indicated, the Plaintiff in this case is represented by the office of Kats, Jamison, van der Veen & Associates. My office is located at 25 Bustleton Pike in Feasterville, Bucks County, Pennsylvania.

Do any of you know me or Ms. Kats or any of the attorneys in the firm? Have any of you had any dealings with me or any of the attorneys in the firm?

2. The Defendant's attorney in this matter is Deborah Massaro, Esquire.
3. Has anyone dealt with this attorney?
4. Do any of you know Ms. Massaro?
5. Have any of you had any dealings with any of the attorneys at the firm of White and Williams?
6. The Plaintiff in this case is Kimbra Criswell. Do any of you know the Plaintiff?
7. Do you know any of the parties involved in this incident?

On May 23, 2002, at around 9:30 a.m., Plaintiff Kimbra Criswell, an x-ray technician, was present in the hallway of the Operating Room on the second floor of Defendant Christiana Care Health Services, Inc., when Defendant McFadden caused a portable x-ray machine to be moved forward, causing said machine to come into contact with Plaintiff's left lower ankle, causing Plaintiff to suffer personal injuries. Defendant McFadden was an employee of Christiana Hospital.

8. My client received medical treatment for her injuries from various medical providers. Her main medical provider is Summit Dewanjee, M.D. in Phoenix, Arizona. Do

any of you, your family members or relatives know or know other people who know Dr. Dewanjee?

9. Plaintiff Kimbra Criswell sustained the following injuries: Achilles tendonitis, RSD (reflex sympathetic dystrophy), partial tear of the Achilles tendon, instability of tibro-fibular joint. Have any of you been treated for these injuries?

10. Do any of you feel my client, who stated she was injured in the above-mentioned incident due to the negligence of the Defendants should not be allowed to sue the Defendants for damages due to personal injuries sustained if the law allows such a claim?

11. This is a civil case where the Plaintiff seeks an award of money damages. Are there any among you who have any preconceived prejudices against the awarding of money damages against the Defendant?

12. Are you comfortable with placing a money value on the past, present and future effects of this injury?

13. Are there any among you who feel they cannot apply the law as given to you by the judge to the facts regardless of your personal conception or idea of what the law should be?

14. Ladies and Gentlemen, this is a personal injury case. A personal injury case is a civil action in which the Plaintiff seeks damages for alleged wrongs done to her. Do you all understand that this is not a criminal trial?

15. Do you understand that in a civil case such as this one, there is a different burden of proof? In a criminal case, and this case is not a criminal case, the Plaintiff must convince you, the jury, beyond a reasonable doubt of the guilt of the defendant.

In a civil case such as this one, and the one we are dealing with in here today, the Plaintiff simply must convince you, the jury, by a fair preponderance of the evidence to meet her burden of proof.

16. Have you or any members of your family or relatives ever had a claim against anyone or ever had a claim brought against them in a personal injury case?

17. Are there any among you who feel that it is wrong to sue the Defendant for personal injuries and ask for money damages due to the negligence of the Defendants?

18. If so, would your experience affect you in fairly and objectively deciding this case only on the evidence that is presented during the trial of this case?

19. Are there any among you who feel that it is just plain wrong to sue the Defendants and hold the Defendants responsible for negligence causing the Plaintiff personal injuries?

20. If the credible evidence in this case, as well as the law applied to the evidence, warrant a finding that Defendants, as a result of their negligence, caused the Plaintiff's personal injuries, are there any among you who could not find so in good conscience because this case is being brought against the Defendants?

21. If you should find that the Defendants acted negligently in this incident and that the Plaintiff was injured because of it, would you have any hesitation in giving the Plaintiff a verdict of substantial money damages if the evidence warranted it?

22. Plaintiff is entitled to fair and reasonable compensation for damages from this incident. Fair and reasonable means what is right for the particular injury. Do you have any quarrel with awarding a very large amount, if that would be fair and reasonable?

23. Are there any among you, a family member or relative who have anything to do with the investigation and claims adjustment for money damages?

KATS, JAMISON, van der VEEN & ASSOCIATES

By:

NELSON LEVIN, ESQUIRE
Attorney for Plaintiff